



General Assembly

Amendment

February Session, 2014

LCO No. 5026

SB0018605026HDO

Offered by:

REP. MEGNA, 97th Dist.

SEN. LOONEY, 11th Dist.

SEN. CRISCO, 17th Dist.

To: Senate Bill No. 186

File No. 58

Cal. No. 416

(As Amended by Senate Amendment Schedule "A")

***"AN ACT CONCERNING DISPENSATION AND INSURANCE
COVERAGE OF A PRESCRIBED DRUG DURING REVIEW OF AN
ADVERSE DETERMINATION OR A FINAL ADVERSE
DETERMINATION."***

1 Strike subparagraph (C) of subdivision (1) of subsection (b) of
2 section 1 in its entirety and insert the following in lieu thereof:

3 "(C) (i) If the review under subparagraph (A) of this subdivision is a
4 review of a grievance involving a prospective review request relating
5 to the dispensing of a drug for a chronic disease, other than a schedule
6 II or III controlled substance, that is prescribed by a licensed
7 participating provider who is a specialist in such chronic disease, the
8 health carrier shall issue, upon the request of such participating
9 provider, an electronic authorization to the covered person's pharmacy
10 for the dispensing of a temporary supply of such drug sufficient for

11 the duration of such review until the covered person has been notified
12 of the review decision. Such authorization shall include confirmation
13 of the availability of payment for such supply of such drug.

14 (ii) Not later than twenty-four hours after the health carrier has
15 issued such authorization to the pharmacy, such health carrier shall
16 confirm with such participating provider the provider's concurrence
17 with the dispensing of such temporary supply of such drug. If such
18 participating provider does not concur, the health carrier shall cancel
19 such authorization.

20 (iii) The provisions of this subparagraph shall not apply to a
21 grievance or review of an adverse determination under this section
22 concerning the substitution of a generic drug or another brand name
23 drug for a prescribed brand name drug unless the prescribing licensed
24 participating provider has specified that there shall be no substitution
25 for the specified brand name drug."

26 Strike subdivision (4) of subsection (c) of section 2 in its entirety and
27 insert the following in lieu thereof:

28 "(4) (A) If the review under subdivision (1) of this subsection is a
29 review of a grievance involving a prospective review request relating
30 to the dispensing of a drug for a chronic disease, other than a schedule
31 II or III controlled substance, that is prescribed by a licensed
32 participating provider who is a specialist in such chronic disease, the
33 health carrier shall issue, upon the request of such participating
34 provider, an electronic authorization to the covered person's pharmacy
35 for the dispensing of a temporary supply of such drug sufficient for
36 the duration of such review until the covered person has been notified
37 of the review decision. Such authorization shall include confirmation
38 of the availability of payment for such supply of such drug.

39 (B) Not later than twenty-four hours after the health carrier has
40 issued such authorization to the pharmacy, such health carrier shall
41 confirm with such participating provider the provider's concurrence

42 with the dispensing of such temporary supply of such drug. If such
43 participating provider does not concur, the health carrier shall cancel
44 such authorization.

45 (C) The provisions of this subdivision shall not apply to a grievance
46 or review of an adverse determination under this section concerning
47 the substitution of a generic drug or another brand name drug for a
48 prescribed brand name drug unless the prescribing licensed
49 participating provider has specified that there shall be no substitution
50 for the specified brand name drug."